

positioning a water draining device adjacent the press arrangement, the water draining device comprising a receiving tank, the receiving tank including a first chamber under ambient pressure, and a second chamber connected to the first chamber and to a vacuum source, and the second chamber including at least one drain;

receiving and collecting water under ambient pressure in the first chamber;

drawing a vacuum on said second chamber to aspirate water collecting in the first chamber into the second chamber so that a level of water in the second chamber is higher than a level of water in the first chamber; and

draining water through the at least one drain from the second chamber.

#### **REMARKS**

Upon entry of the instant amendment, claims 2 and 22 will be amended, whereby claims 2-40 will remain pending. Claims 2-23 are under prosecution and are rejected. Claims 24-40 stand withdrawn from consideration as being drawn to a non-elected invention.

As discussed with the Examiner during the above-noted telephone interview, the amendments to the specification and claims are supported by the originally filed disclosure. In this regard, the Examiner's attention is directed, for example, to Figs. 2 and 3 of the drawings and paragraph [0027].

Reconsideration and allowance of the application are respectfully requested.

**Discussion Of April 16, 2003 Telephone Interview**

Applicants express appreciation for the courtesies extended by the Examiner during an April 16, 2003 telephone interview with Applicants' attorney Arnold Turk.

During the interview, Applicants invention was discussed and contrasted with the prior art utilized in the rejection of record. Moreover, amendments to the claims were discussed, and the Examiner approved these amendments. However, the Examiner indicated that, in view of the finality of the present Office Action, it will necessary to file a Request for Continued Examination to have the amendments considered.

The present Request for Continued Examination and Amendment and Submission Under 37 C.F.R. 1.114 are being submitted wherein the amendments and arguments presented during the telephone interview included for review and consideration by the Examiner.

**Response To Maintaining Of Restriction Requirement**

Applicants note that claims 1-23 are under prosecution, and claims 24-40 stand withdrawn from further consideration by the Examiner.

Applicants are once again permitting the non-elected claims to remain pending subject to rejoinder or cancellation without disclaimer or prejudice to the filing of the subject matter included therein in one or more continuation and/or divisional applications.

**Response To Objection To Claim 21**

Applicants note tht claim 21 is not rejected, but is objected to for depending upon a rejected claim. Accordingly, claim 21 is indicated to be allowable if rewritten in independent form.

Applicants express appreciation for the indication of allowable over the prior art of record. However, for the reasons discussed with the Examiner during the above-noted interview and presented herein, each of the pending claims should be indicated to be allowable over the prior art of record.

**Response To Rejections Under 35 U.S.C. 102(b) and 103(a) Based Upon Kade**

Claims 2, 4-13 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by KADE, U.S. Patent No. 5,851,358.

Claims 3, 14-17, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kade.

In response, Applicants respectfully submit that independent claim 2 is directed to, in combination, a water draining device and a paper machine; said water draining device comprising a receiving tank, said receiving tank including a first chamber under ambient pressure and capable of receiving and collecting arriving water under ambient pressure, and a second chamber connected to said first chamber, said second chamber being connectable to a vacuum source so that said second chamber can be placed under vacuum for aspirating water collecting in the first chamber into said second chamber with said first chamber and said second chamber

being constructed and arranged so that a level of water in said second chamber is higher than a level of water in said first chamber, and said second chamber including at least one drain from which water can be drained from said second chamber; said paper machine having a machine width; and said draining device extending at least substantially over the machine width.

In contrast, and as agreed to by the Examiner during the above-noted telephone interview, Kade is not structured and arranged nor does Kade teach or suggest, amongst other features recited in Applicants' claim 2, a receiving tank including a first chamber under ambient pressure and capable of receiving and collecting arriving water under ambient pressure, and a second chamber connected to said first chamber, the second chamber being connectable to a vacuum source so that the second chamber can be placed under vacuum for aspirating water collecting in the first chamber into the second chamber with the first chamber and the second chamber being constructed and arranged so that a level of water in the second chamber is higher than a level of water in the first chamber.

Accordingly, Applicants respectfully submit that Kade does not teach each and every feature recited in Applicants' claims whereby the anticipation rejection is without appropriate basis and should be withdrawn.

Still further, Applicants respectfully submit that the obviousness rejection does not overcome the deficiencies of Kade. Accordingly, whether or not one having ordinary skill in the art would have been motivated to modify Kade in the manner recited in the rejection, Applicants' disclosed and claimed invention would not be at hand.

Applicants respectfully submit that the rejection is without sufficient basis because it makes naked assertions without establishing where the prior art provides any motivation for arriving at the asserted substitution. The Examiner is reminded that written documentation is necessary in a rejection to support the asserted combination and to supply the motivation therefore. In the instant situation, the rejection merely makes a naked assertion without documentary support.

Moreover, the rejection contends that the dimensions of the pipes and vacuum in the chamber including the use of a volumetric pump is an optimization of result effective variables and would have been obvious. Again, this is insufficient to support a rejection a rejection. The rejection must establish that the art recognizes these to be result effective variables. In this instant situation, the rejection is silent with respect to any indication that the documents utilized in the rejections are within the realm of routine experimentation so as to optimized.

Thus, Applicants respectfully submit that the only teaching or suggestion that would lead one having ordinary skill in the art to arrive at Applicants' invention is within Applicants' disclosure, and the use of such disclosure by the Examiner is improper. In order to support the conclusion that the claimed invention is either anticipated or rendered obvious over the prior art, the prior art must either expressly or inherently teach the claimed invention or the Examiner must present a convincing line of reasoning why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Ex parte Clapp, 227 U.S.P.Q. 972 (B.O.A. 1985). There is absolutely no convincing line of reasoning present here that would lead one having ordinary skill in the art to arrive at Applicants' disclosed and claimed invention.

For example, claims 5 and 6 further patentably define apertures distributed over the machine width, the apertures connecting the first chamber and the second chamber. Claim 8 further patentably defines throttling apertures connecting the first chamber and the second chamber. Claims 9 and 11 further patentably define that an average direction of flow of water flow in the first chamber is at least substantially free of cross-flow. Claim 10 further patentably defines that an average direction of flow in the second chamber has a cross component running in a machine width direction. Claim 12 further patentably defines at least one pipe connecting the first chamber and the second chamber, the at least one pipe including two open ends; a partition between the first chamber and the second chamber including connecting apertures; and one open end of the at least one pipe opening in a respective connecting aperture and the other open end opening into the second chamber. Claim 13 further patentably defines that the at least one pipe comprises a plurality of pipes distributed over the machine width. Claim 14 further patentably defines that the plurality of pipes comprises about 0.5 to 5 pipes per meter. Claim 15 further patentably defines that the at least one pipe has a diameter of about 10 to about 100 mm. Claim 22 patentably define a method of draining water from a press arrangement serving to dewater a pulp web which includes at least one elongated press nip in a direction of web travel, comprising positioning a water draining device adjacent the press arrangement, the water draining device comprising a receiving tank, the receiving tank including a first chamber under ambient pressure, and a second chamber connected to the first chamber and to a vacuum source, and the second chamber including at least one drain; receiving and collecting water under ambient pressure in the first chamber; drawing a vacuum on said second chamber to aspirate water collecting in the

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first chamber into the second chamber so that a level of water in the second chamber is higher than a level of water in the first chamber; and draining water through the at least one drain from the second chamber.

Accordingly, the rejections should be withdrawn, and all of the claims should be indicated as allowable over the prior art.

### CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of record, and allow all the pending claims.

Allowance of the application is requested, with an early mailing of the Notices of Allowance and Allowability.

If the Examiner has any questions or wish to further discuss this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,  
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**APPENDIX  
MARKED UP COPY OF AMENDED CLAIMS 2 AND 22**

2. (Twice Amended) In combination, a water draining device and a paper machine;  
said water draining device comprising a receiving tank, said receiving tank including a first chamber under ambient pressure and capable of receiving and collecting arriving water under ambient pressure, and a second chamber connected to said first chamber, said second chamber being connectable to a vacuum source so that said second chamber can be placed under vacuum for aspirating water collecting in the first chamber into said second chamber with said first chamber and said second chamber being constructed and arranged so that a level of water in said second chamber is higher than a level of water in said first chamber, and said second chamber including at least one drain from which water can be drained from said second chamber;  
said paper machine having a machine width; and  
said draining device extending at least substantially over the machine width.

22. (Twice Amended) A method of draining water from a press arrangement serving to dewater a pulp web which includes at least one elongated press nip in a direction of web travel, comprising:

positioning a water draining device adjacent the press arrangement, the water draining device comprising a receiving tank, the receiving tank including a first chamber under ambient pressure, and a second chamber connected to the first chamber and to a vacuum source, and the second chamber including at least one drain;

receiving and collecting water under ambient pressure in the first chamber;



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drawing a vacuum on said second chamber to aspirate water collecting in the first chamber into the second chamber so that a level of water in the second chamber is higher than a level of water in the first chamber; and

draining water through the at least one drain from the [said] second chamber.